

REMARKS

Applicant traverses the final rejection of claims 32-34 and 50-67 under 35 U.S.C. § 102(e) (“Section 102(e)”) as being anticipated by U.S. Patent Application Publication No. 2001/0032234 to Summers et al. (“the *Summers* Application”) because the *Summers* Application, which was filed after the present application, is not Section 102(e) prior art and the parent applications to which the *Summers* Application claims priority—as necessary to support a Section 102(e) rejection—do not disclose all of the elements of Applicant’s claimed invention. Accordingly, Applicant respectfully requests that the final rejection under Section 102(e) based on the *Summers* Application be withdrawn.

The filing date of the *Summers* Application is May 11, 2001, which is after the filing date of the present application—February 6, 2001. Therefore, the *Summers* Application is not Section 102(e) prior art. The *Summers* Application is a continuation-*in-part* of U.S. Patent Application No. 09/464,989 by Wesemann filed December 16, 1999 (“the *Wesemann* Application”) (attached) and is a non-provisional application of U.S. Provisional Patent Application No. 60/263,003 filed January 19, 2001 (“the ’003 Provisional”) (attached). Therefore, any subject matter disclosed in the *Summers* Application that is not supported by either the *Wesemann* Application or the ’003 Provisional cannot claim a priority date prior to May 11, 2001, the filing date of the *Summers* Application, and cannot be considered as Section 102(e) prior art with respect to the present application.

Independent claims 32, 53, and 63, as previously amended in response to the Office Action dated March 20, 2006, focus on the features of the preferred embodiment (without prejudice to filing more general claims or claims directed to other embodiments of the present invention) which allow finding the requested information from a pre-selected web site even if the information is moved from the pre-defined portion of the web site where the information was previously found. Specifically, independent claims 32, 53, and 63 were amended to include “at least one instruction set stored on said server for identifying the pre-defined portion of the pre-selected web site and for identifying a named object associated with the content of the

information to be retrieved, said pre-defined portion containing the information to be retrieved from the web site, each said instruction set comprising: a uniform resource locator address for said web site; a content descriptor of said web site, said content descriptor pre-defining the portion of said web site from which said information is to be retrieved, and the named object.”

This function and these claimed features are not disclosed by the *Summers* Application. This function is accomplished by providing a named object associated with the information to be retrieved, in addition to the pre-selected web site and the pre-defined portion of the web site. When the desired information is not found in the pre-defined portion of the pre-selected web site, the extraction agent searches the entire web site for the named object, such as a heading “High” or “Low,” as described in the Specification:

The content extraction agent 600 can also parse the content of a web page in which the user-desired information has changed location or format. This is accomplished based on the characteristic that most hypertext documents include named objects like tables, buttons, and forms that contain textual content of interest to a user. When changes to a web page occur, a named object may be moved within a document, but it still exists. Therefore, the content extraction agent 600 simply searches for the relevant name of desired object. In this way, the information requested by the user may still be found and reported regardless of changes that have occurred.

Specification, p. 10, ll. 1-10.

For instance, if a user desires current weather conditions for Chicago, the content descriptor file would include the pre-defined portion of the pre-selected web site, such as the specific location on the CNN web site where the weather conditions are likely to be found. *Id.* at p. 6, ll. 13-20. In addition, the content descriptor file would include a description of the specific content of the information to be retrieved, such as the headings “Forecast,” “High,” “Low,” “Radar,” “Temp,” “Wind,” “Pressure,” “Sunrise,” and “Sunset.” *Id.* at p. 7, ll. 9-23. The content description serves as a guidepost so that the claimed invention can search and retrieve the desired

information (i.e., the weather conditions in Chicago) even if the web site has been modified and the desired information no longer is located at the pre-defined portion of the web site.

By contrast, the '003 Provisional and the *Wesemann* Application do not disclose “at least one instruction set stored on said server for identifying the pre-defined portion of the pre-selected web site and for identifying a named object associated with the content of the information to be retrieved, said pre-defined portion containing the information to be retrieved from the web site, each said instruction set comprising: a uniform resource locator address for said web site; a content descriptor of said web site, said content descriptor pre-defining the portion of said web site from which said information is to be retrieved, and the named object.” Rather, the system of the '003 Provisional and the *Wesemann* Application search HTML tags (or “pointers”) to locate certain information. '003 Provisional, p. 6; *Wesemann* Application, p. 17, ll. 9-13. As a result, only information embedded in the HTML tags can be located. *Id.* Applicant’s content descriptor file, on the other hand, may include other aspects of a webpage beyond HTML tags, which makes the present application more likely to locate information on a webpage that has been updated. Application, p. 21, ll. 12-16 (stating that any descriptions may be used, including HTML, WML, HDML, and XML); *see also* Table 1 (showing an example of a comprehensive content descriptor file).

To the extent that the Examiner believes that the *Summers* Application discloses these claimed features, the *Summers* Application is not Section 102(e) prior art because these features are not disclosed in either the '003 Provisional or the *Wesemann* Application. Because these features are not disclosed in the priority applications, any disclosure of a content descriptor file by the *Summers* Application cannot claim a priority date prior to the filing of the *Summers* Application—May 11, 2001. As the filing date of the *Summers* Application (May 11, 2001) is more than three months after the filing date of the present application (February 6, 2001), any disclosure of these features by the *Summers* Application is not Section 102(e) prior art.

Accordingly, Applicant respectfully requests that the final rejection be withdrawn and that claims 32, 34 and 50-68 be allowed to issue because the *Summers* Application, which was

filed after the present application, is not Section 102(e) prior art and the parent applications to which the *Summers* Application claims priority—as necessary to support a Section 102(e) rejection—do not disclose all of the elements of Applicant's claimed invention.

CONCLUSION


In view of the foregoing, Applicant believes claims 32, 34 and 50-68 are in position for allowance and respectfully requests that the Examiner enter a timely Notice of Allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should proper payment not be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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By 

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